State of South Dakota

**Council of Juvenile Services**

**By-laws**

# Article I: Purpose of the Council of Juvenile Services

The purpose of the Council of Juvenile Services is to serve as the principal juvenile justice planning entity for the State of South Dakota.

# Article II: Powers and Responsibilities of the Council of Juvenile Services

South Dakota Codified Law 1-15-30 identifies the responsibilities of the Council of Juvenile Services and reads as follows:

The Council of Juvenile Services shall be responsible for the following:

(1) In conjunction with the secretary of the Department of Corrections, establish policy on how the formula grants program of the Juvenile Justice and Delinquency Prevention Act is to be administered in South Dakota;

(2) Approve the state plan, and any modifications thereto, required by 223(a) of the Act prior to submission to the Office of Juvenile Justice and Delinquency Prevention;

(3) Submit annual recommendations to the Governor and Legislature concerning the functions of the Council of Juvenile Services and the status of the state's compliance with the Act;

(4) Approve or disapprove grant applications and other funding requests submitted to the Department of Corrections under § § 1-15-27 to 1-15-31, inclusive, and assist with monitoring grants and other fund awards;

(5) Assist the Department of Corrections in monitoring the state's compliance with the Act;

(6) Study the coordination of the various juvenile intervention, prevention, treatment, and rehabilitation programs;

(7) Study effective juvenile sentencing, adjudication, and diversion policies and provisions;

(8) Make a special study of, and make an annual report to the Governor, the Unified Judicial System, and the Legislature by June thirtieth of each year concerning, the appropriate administration of and provision for children in need of supervision in this state;

(9) Contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

(10) Perform other such activities as determined by the Governor, the secretary of the Department of Corrections, or the Council of Juvenile Services.

# Article III: Council of Juvenile Services Composition

### Section A: Number and Composition

The Council of Juvenile Services consists of twenty members who have training, experience, or special knowledge of juvenile delinquency prevention or treatment or the administration of juvenile justice. The membership shall include the following to comply with Section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act:

1. at least one locally elected official;
2. representatives of law enforcement, and juvenile justice agencies, including circuit court judges, prosecutors, counsel for children and youth, and probation officers;
3. representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities, recreation, and youth services;
4. representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education and social services for children;
5. volunteers who work with delinquent youth or youth at risk of delinquency;
6. representatives of programs that are alternatives to incarceration, including programs providing organized recreation activities;
7. persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and
8. persons, licensed or certified by the applicable State, with expertise and competence in prevention and addressing mental health and substance abuse needs in delinquent youth and youth at risk or delinquency;.
9. Representatives of victim or witness advocacy groups, including at least one individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system; and
10. For a state in which one or more Indian Tribes are located, an Indian tribal representative (if such representative is available) or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities;

### Section B: Selection Criteria

1. A majority of the Council of Juvenile Services, including the Chairperson and any member assuming the duties and responsibilities of the Chairperson, whether permanently or on a temporary basis, shall not be fulltime employees of federal, state, or local government.
2. At least one-fifth of the Council members shall be under the age of 28 at the initial time of appointment.
3. At least three members shall have been or shall currently be under the jurisdiction of the juvenile justice system or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system
4. Attempts will be made to ensure that the membership of the Council will represent the racial and ethnic diversity of the State.

**Article IV: Terms of Services for Council Members**

Consistent with SDCL 1-15-29, each member shall serve a term of three years. Members may be re-appointed and may continue to serve an expired term until replaced by the Governor.

# Article V: Officers of the Council of Juvenile Services

A Chairperson and a Vice-Chairperson, who shall not be fulltime employees of federal, state, or local government. Shall be chosen annually by a majority vote of the Council members at the first meeting following new appointments and reappointments of members. In the event of the Chairperson’s absence at a Council meeting, the Vice-Chairperson shall preside at the meeting. In the event that neither the Chairperson nor the Vice-Chairperson can be present at a Council meeting, the Chairperson shall designate a member of the Council to preside at the meeting who is not a fulltime employee of federal, state, or local government.

# Article VI: Removal of Council Members

The Chairperson may recommend to the Governor that a Council member be replaced if that member misses three consecutive meetings, misses fifty percent of Council meetings during a twelve-month period, or if that member is no longer a resident of the State of South Dakota.

# Article VII: Meetings of the Council of Juvenile Services

### Section A: Meeting Schedule/Location

Meetings will be held at the call of the Chairperson and will generally occur at least bi-annually. The Chairperson will determine the location of Council meetings. Council meetings may be held telephonically or by electronic means.

**Section B: Quorum**

The Chairperson shall determine if a quorum is present at a meeting. A quorum shall consist of a majority of Council members present based on the number of current Council members appointed. A quorum must be present for the Council to take official action.

**Section C: Adoption of Motions**

In order for a motion to be adopted, the motion must be approved by the majority of voting members present at the meeting.

**Section D: Voting**

The Chairperson shall determine the method of voting. Only Council members may vote during Council meetings.

**Section E: Non-voting Meeting Participants**

1. If a Council member is unable to attend a meeting, that Council member may appoint a non-voting participant to attend the Meeting in their place. The individual attending in place of a Council member may participate in Council discussions but may not make motions or vote on motions. Council members who are unable to attend may also submit their positions on issues in writing or consideration during Council discussions but these written submissions shall not constitute a motion or a vote on these issues.
2. Department of Corrections employees who provide staff support to the Council may provide information to the Council and participate in discussions as requested or directed by the Chairperson but may not make motions or vote on motions.
3. Other individuals in attendance at Council meetings may present information to the Council at the request of the Chairperson.

**Section F: Roberts Rules of Order**

Roberts Rules of Order shall guide conduct of Council meetings.

# Article VIII: Compensation

The members of the Council of Juvenile Services serve without compensation. Council members are reimbursed for their reasonable and necessary expenses incurred in the performance of their duties at rates set by the Board of Finance, unless such expenses are covered by the Council member’s employer or other individual or body.

# Article IX: Conflict of Interest

A Council member employed by an organization requesting funds from the Council, or a Council member having some direct interest in such organization, may not make a motion or vote on any motions pertaining to the funding request. The member will be counted toward the quorum of the meeting but will not be considered as an eligible voting member for the purpose of determining whether the matter in question passes or fails. Neither may the Council member speak to or answer questions concerning the proposal unless all similarly situated applicants for funding are provided a similar opportunity.

Any member having a direct interest in a funding request or proposal shall leave the meeting room during discussion and/or voting related to the request or proposal.

**Article X: Committees**

There shall be an Executive Committee of the Council of Juvenile Services which consists of the Chairperson, Vice-Chairperson and three members elected by the Council. The Executive Committee has the authority to act for the Council in the interim between meetings. Any action taken by the Executive Committee is subject to ratification at the next regularly scheduled meeting.

The Chairperson of the Council may form other committees that are necessary for the Council to fulfill its responsibilities. Committee members, who may include individuals who are not Council members, and committee chairpersons shall be appointed by the Chairperson of the Council of Juvenile Services.

The primary responsibilities of each committee shall be to analyze the issues assigned to it and present a report to the Council that may include recommendations on programs to be developed or funded, changes in juvenile justice system processes, proposed statutory changes or other recommended actions. Committees shall not represent recommendations as official positions of the Council and shall not begin implementation of the recommendations until they have received the approval of the Council of Juvenile Services.

# Article XI: Amendment of Bylaws

The Bylaws of the Council of Juvenile Services may be amended at any regular or special meeting of the Council by a two-thirds majority vote of the members present, provided that the proposed amendment was distributed to the members of the Council at least seven days prior to the meeting. Unless otherwise specified, an approved amendment will go into effect immediately.

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| Revision Log:March 2004: Initial Council of Juvenile Services By-laws were approved by the Council at their March 2004 meeting. June 2016: **Added** “to comply with Section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act:” in Article III Section A. **Added** “and any member assuming the duties and responsibilities of the Chairperson, whether permanently or on a temporary basis” in Article III Section B. **Removed** “, the initial Council members appointed will draw lots to determine who will hold the 8 three year terms, the 6 two year terms, and the 6 one year terms. Thereafter,” from Article IV. **Added** “and a Vice-Chairperson” in Article V. Added “shall not be fulltime employees of federal, state, or local government” in Article V. **Removed** “ and a Vice-Chair person” from Article V. **Removed** “each fiscal year” from Article V. Added “following new appointments and reappointments of members” to Article V. Added “who is not a fulltime employee of federal, state, or local government” to Article V. **Added** “or by electronic means” to Article VII Section A. Removed “or via the Digital Dakota Network” from Article VII, Section A. 2024: **Removed** “mental health, substance abuse, education, special education from Article III Section A Subsection 3. and **Added** “child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities” in Article III Section A Subsection 3. **Removed** “delinquents or potential delinquents” from Article III Section A Subsection 5 and **Added** “delinquent youth or youth at risk of delinquency” from Article III Section A Subsection 5. **Removed** “youth workers involved with” in Article III Section A Subsection 6 and **Added** “representatives of” in Article III Section A Subsection 6. **Removed** “with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence in Article III Section A Subsection 8 and **Added** “licensed or certified by the applicable State, with expertise and competence in prevention and addressing mental health and substance abuse needs in delinquent youth and youth at risk or delinquency” in Article III Section A Subsection 8. **Added** “Representatives of victim or witness advocacy groups, including at least one individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system; and” to Article III Section A Subsection 9. **Added** “For a state in which one or more Indian Tribes are located, an Indian tribal representative (if such representative is available) or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities” to Article III Section A Subsection 10. **Removed** “24” from Article III Section B subsection 2 and **Added** “28” and “Initial” to Article III Section B Subsection 2. **Added** “or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system” to Article III Section B Subsection 3. **Removed** “quarterly” from Article VII section A and **Added** “bi-annually” to Article VII section A.  |
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|  Beth O’Toole, Chairperson – Council of Juvenile Services  |  | Date |